
ENGROSSED SUBSTITUTE HOUSE BILL 2143

State of Washington

60th Legislature

2008 Regular Session

By House Committee on Select Committee on Environmental Health
(originally sponsored by Representatives Campbell, Hunt, Chase,
Flannigan, Hudgins, Morrell and Ormsby)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to requiring the use of alternatives to lead wheel
2 weights that reduce environmental health impacts; adding a new chapter
3 to Title 70 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Lead hazards associated with lead wheel weights represent a
7 preventable environmental health problem. Lead wheel weights fall off
8 of vehicle wheels along Washington's roadways and people are exposed to
9 fragments and dust generated when lead wheel weights are abraded and
10 pulverized by traffic. Lead wheel weights that come to be located on
11 and alongside roadways can contribute to soil, surface, and groundwater
12 contamination, and pose a hazard to downstream aquatic life.

13 (2) Lead negatively affects every system of the body. It is
14 harmful to individuals of all ages and is especially harmful to
15 children, fetuses, and adults of childbearing age. The effects of lead
16 on a child's cognitive, behavioral, and developmental abilities may
17 necessitate large expenditures of public funds for health care and
18 special education. The irreversible damage to children and subsequent
19 expenditures could be avoided if exposure to lead is reduced.

1 (3) There are no federal regulatory controls governing the use of
2 lead wheel weights. The legislature recognizes the state's need to
3 protect the public from exposure to lead hazards.

4 (4) This chapter is intended to work in concert with the
5 persistent, bioaccumulative toxins rule, chapter 173-333 WAC,
6 administered by the department. The rule describes a requirement for
7 the department, in consultation with the department of health, to
8 develop a multiyear schedule for the preparation of chemical action
9 plans. The department anticipates completion of a chemical action plan
10 for lead by June 2008. While the formal process for the chemical
11 action plan moves forward, the legislature believes it is prudent to
12 act in an accelerated manner on known and readily available
13 opportunities to reduce the environmental health impacts of lead.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Department" means the department of ecology.

17 (2) "Environmentally preferred wheel weights" means wheel weights
18 used for the purpose of balancing motor vehicle wheels that are listed
19 by the department as approved alternatives for lead wheel weights and
20 that have less of an impact on human health and the environment.

21 (3) "Lead wheel weight" means any externally affixed or attached
22 wheel weight for the purpose of balancing motor vehicle wheels and
23 composed of greater than 0.1 percent lead by weight.

24 (4) "Person" includes any individual, firm, association,
25 partnership, corporation, governmental entity, organization, or joint
26 venture.

27 (5) "Vehicle" means any motor vehicle registered in Washington with
28 a wheel diameter less than 19.5 inches or a gross vehicle weight of
29 14,000 pounds or less.

30 NEW SECTION. **Sec. 3.** (1) The department shall establish an
31 advisory committee, in consultation with the department of health, the
32 traffic safety commission, and the department of general
33 administration, to identify and make readily available to tire
34 distributors, wholesalers, retailers, and auto manufacturers, by
35 January 1, 2009, an approved list of environmentally preferred
36 alternatives to lead wheel weights that are available for purchase.

1 (2) The approved list of environmentally preferred alternatives to
2 lead wheel weights must be updated by the department every two years
3 starting July 1, 2009.

4 (3) If an alternative is removed from the approved list of
5 environmentally preferred alternatives, the tire distributors,
6 retailers, and auto manufacturers will have two years to use existing
7 stock and to phase in other listed alternatives.

8 NEW SECTION. **Sec. 4.** Use of environmentally preferred alternative
9 wheel weights is required at the time of the first tire replacement or
10 the first tire balancing after:

11 (1) January 1, 2010, for all state-owned vehicles;

12 (2) January 1, 2011, for all used vehicles registered in Washington
13 state; and

14 (3) January 1, 2012, for all new vehicles registered in Washington
15 state.

16 NEW SECTION. **Sec. 5.** Lead wheel weights removed and collected by
17 tire retailers and distributors shall be recycled.

18 NEW SECTION. **Sec. 6.** (1) Enforcement of this chapter shall rely
19 on notification and information exchange between the department and
20 tire distributors, wholesalers, retailers, and auto manufacturers. The
21 department shall achieve compliance with this chapter using the
22 following enforcement sequence:

23 (a) At least ninety days prior to the implementation dates for
24 vehicles identified in section 4 of this act, the department shall
25 prepare and distribute information to persons in the tire and wheel
26 weight manufacturing, distribution, wholesale, retail, and auto
27 manufacturing industries, to the maximum extent practicable, to assist
28 them in identifying environmentally preferred alternative products for
29 lead wheel weights.

30 (b) The department shall issue a warning letter to a person in the
31 tire distribution, wholesale, retail, auto manufacturing, or associated
32 industries that violates the requirements of this chapter.

33 (c) The department shall offer information or other appropriate
34 assistance to the person in (b) of this subsection. If, after one

1 year, compliance is not achieved, penalties may be assessed under
2 subsection (2) of this section.

3 (2) Failure of a person that installs wheel weights to comply with
4 this chapter is punishable by a civil penalty not to exceed five
5 hundred dollars for each violation in the case of a first offense.
6 Persons who are repeat violators are liable for a civil penalty not to
7 exceed one thousand dollars for each repeat offense. Penalties
8 collected under this section shall be deposited in the state toxics
9 control account created in RCW 70.105D.070. The owner of a vehicle is
10 not liable for failing to comply with this chapter.

11 NEW SECTION. **Sec. 7.** The department may adopt rules to fully
12 implement this chapter.

13 NEW SECTION. **Sec. 8.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
18 a new chapter in Title 70 RCW.

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